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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,370	06/07/2001	Firoz Kanchwalla	INFO-P009	1777

758 7590 03/24/2005

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EXAMINER	
RONES, CHARLES	
ART UNIT	**PAPER NUMBER**
2164	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/877,370	KANCHWALLA ET AL.	
	Examiner	Art Unit	
	Charles Rones	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *23-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *23-25 and 27-30* is/are rejected.

7)☒ Claim(s) *26 and 31* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Amendment

The amendment timely filed on November 15, 2004 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 23-24, 27, and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Apte U.S. Patent No. 5,970,464 ('Apte').

As to claims 23, 29, and 30,

processing source-specific data originating at sources with disparate formats into source-independent data with a single, common format; See 3:6-20;

storing the source-independent data; See 3:6-20;

automatically determining dimensions of the stored data having historically significant attributes; See 3:6-20; and

in response to a change to a dimension having a historically significant attribute, creating a historical record of the change; See 3:6-20.

As to claim 24,

in response to a change to a dimension without a historically significant attribute, overwriting the dimension; See Figure 1, item 1409.

As to claim 27,

wherein processing source-specific data originating at sources with disparate formats into source-independent data with a single, common format further comprises: performing source-related clean up; See Figure 1, item 104.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Apte U.S. Patent No. 5,970,464 ('Apte') in view of Carothers et al. U.S. Patent No. 6,587,857 ('Carothers') .

As to claim 28,

Apte discloses the claimed invention except for wherein processing source-specific data originating at sources with disparate formats into source-independent data with a single, common format further comprises: configuring unique key identification

information. Carothers teaches that it is known to provide wherein processing source-specific data originating at sources with disparate formats into source-independent data with a single, common format further comprises: configuring unique key identification information. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide wherein processing source-specific data originating at sources with disparate formats into source-independent data with a single, common format further comprises: configuring unique key identification information as taught by Carothers, since Carothers states in the Abstract that such a modification would allow indicating which nodes if any have changed status since the previous upload of data by providing a unique identification number.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Apte U.S. Patent No. 5,970,464 ('Apte').

Apte does not expressly show maintaining the stored dimension having a historically significant attribute in a first record; and storing the change to the dimension having a historically significant attribute in a second record.

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The maintaining and storing steps would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to maintain the stored dimension having a historically significant attribute in a first record; and storing the change to the dimension having a historically significant attribute in a second record system any type of data having any type of content, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

A limitation on a claim can broadly be thought of then as its ability to make a meaningful contribution to the definition of the invention in a claim. In other words, language that is not functionally interrelated with the useful acts, structure, or properties of the claimed invention will not serve as a limitation. See *In re Gulack*, 217 USPQ 401 (CAFC 1983), *Ex parte Carver*, 227 USPQ 465 (BdPatApp&Int 1985) and *In re Lowry*, 32 USPQ2d 1031 (CAFC 1994) where language provided certain limitations because of specific relationships required by the claims.

MPEP 2106 IV B 1 (b) indicates that "nonfunctional descriptive material" is material "that cannot exhibit any functional interrelationship with the way in which computing processes are performed".

> *Nonfunctional* descriptive material cannot render nonobvious an invention that would have otherwise been obvious. Cf. *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability)." (emphasis added)

The claim limitation language of "health information relating to the database system" is deemed to be nonfunctional descriptive data (material).

Provided the data is found to be nonfunctional, a rejection can be made even if the prior art does not teach the exact content of data. This is because nonfunctional data is not processed by the computer or it does not alter the process steps, it only means something to the human mind. Common limitations where nonfunctional data *could be* found include those directed to sending, receiving storing and displaying data. Stated another way, according to the decision in *Lowry* mentioned above, prior court cases involving nonfunctional descriptive material "have no factual relevance if invention requires that information be processed by computer rather than the human mind."

Allowable Subject Matter

Claims 26 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an Examiner's statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose, make obvious, or otherwise suggest the structure of the applicant's method of tracking historical data from different sources wherein creating a first record for the stored dimension having a historically significant attribute; generating a first key; associating the first key with the first record; creating a second record to store the change to the dimension having a historically significant attribute; re-associating the first key with the second record; generating a second key; and associating the second key with the first record together with the other limitations of the independent claims.

The prior art of record does not disclose, make obvious, or otherwise suggest the structure of the applicant's system of tracking historical data from different sources wherein together with the other limitations of the independent claims. {PRIVATE }

The dependent claims being further limiting and definite are also allowable. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Rones whose telephone number is 571-272-4085. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. Rones

Charles Rones
Primary Examiner
Art Unit 2164

March 15, 2005